

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

MICHAEL LEMBERGER, )  
Plaintiff, )  
v. ) No. 11 C 1039  
DOROTHY BROWN, Clerk of the )  
Circuit Court of Cook County, )  
Defendant. )

MEMORANDUM ORDER

Michael Lemberger ("Lemberger") has filed a self-prepared 42 U.S.C. §1983 ("Section 1983") Complaint against Cook County Circuit Court Clerk Dorothy Brown ("Brown"), claiming that action on her part deprived him of access to the state courts in violation of his constitutional right to such access (see, e.g., Bounds v. Smith, 430 U.S. 817 (1977)). Lemberger has accompanied the Complaint with another self-prepared document, captioned "Petition and Affidavit for Leave To Proceed In Forma Pauperis," but that effort to bring 28 U.S.C. §1915 ("Section 1915") into play is deficient because it covers only the three-month period from June 30 to September 30, 2010, rather than the six months ending with February 9, 2011 as required by Section 1915(a)(2).

In that latter respect Lemberger is ordered to provide the statutorily required printout covering the relevant six-month period, so that this Court can make the Section 1915 calculation and enter an appropriate order. But Lemberger faces an obvious substantive problem as well. Under the principle established by

Monell v. Dep't of Social Servs. of City of New York, 436 U.S. 658, 691 (1978), Section 1983 liability may not be imposed on a respondeat superior basis, and it would be surprising indeed if Brown herself (rather than some intake clerk in the Clerk's office) blocked Lemberger's proposed Circuit Court filing.

Accordingly Lemberger is also ordered to file an amendment to his Complaint on or before March 4, 2011 providing the requisite information in that respect. This Court will then determine whether this action can proceed.



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Milton I. Shadur  
Senior United States District Judge

Date: February 17, 2011